

# HOUSE JOURNAL

## TENTH DAY

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### MORNING SESSION

The House was called to order by Speaker Curtis at 10:10 a.m.

Roll call showed all members present except Representative Richard W. Wheeler, excused.

Pledge of Allegiance and prayer by Representative Jackie Biskupski.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: January 24, 2005

The Senate passed, as amended, **S.B. 21**, LIMITATION ON LIABILITY REGARDING LIQUEFIED PETROLEUM GAS, by Senator D. Eastman, and it is transmitted for consideration; and

The Senate passed **S.B. 27**, SUNSET REAUTHORIZATIONS, by Senator L. A. Mansell, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 32**, LIMITATION OF LANDOWNER LIABILITY FOR PUBLIC RECREATION, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 83**, MEDICAL DECISIONS OF A PARENT OR GUARDIAN, by Senator D. Thomas, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 103**, LIENS ON AIRCRAFT, by Senator T. Hatch, and it is transmitted for consideration.

Annette B. Moore

Secretary of the Senate

Communications filed. **S.B. 21**, **S.B. 27**, **S.B. 32**, **S.B. 83**, and **S.B. 103**, read the first time by short title and referred to the Rules Committee.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 25, 2005

The Political Subdivisions Committee reports a favorable recommendation on **S.B. 9**, AEROSPACE AND AVIATION DEVELOPMENT ZONE

MODIFICATIONS, by Senator M. Dmitrich, et al, and recommends it be placed on the Consent Calendar; and

The Political Subdivisions Committee recommends **H.B. 40, REPEAL OF SUNSET OF TOWNSHIP PROVISION**, by Representative M. S. Lawrence, be replaced and reports a favorable recommendation on **1st Sub. H.B. 40, SUNSET OF TOWNSHIP PROVISION** with the following amendments:

1. Page 2, Lines 39 through 43:

39        (2) each county of the first class and each municipality that is in  
40        a county of the first

41        class and is adjacent to a township area shall jointly by July 1,  
42        2008, provide appropriate public

43        information and funding to conduct a survey of residents and  
44        property owners within each

45        township in the county to determine their desires about whether all  
46        or portions of

47        unincorporated areas within the township should:

Brad L. Dee, Chair

Reports filed. On motion of Representative Dee, the reports of the Political Subdivisions committee were adopted.

**S.B. 9**, read the second time by short title and placed on the Consent Calendar.

**Sub. H.B. 40**, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker:

January 25, 2005

The Government Operations Committee reports a favorable recommendation on **H.B. 75, GOVERNMENT RECORDS ACCESS AND MANAGEMENT TASK FORCE**, by Representative D. Aagard, with the following amendments:

1. Page 3, Lines 61 through 65:

61        (i) information that would disclose both an individual's name  
62        and that individual's:

63        (A) home address;

63        (B) home telephone number;

64        (C) birthdate;

(D) Social Security number; or

65        {~~(D)~~}        (E) marital status; or; and

The Government Operations Committee reports a favorable recommendation on **H.R. 3**, RESOLUTION SUPPORTING CONGRESSIONAL PRIVATIZATION OF SOCIAL SECURITY, by Representative M. Morley, with the following amendments:

1. Page 1, Line 23 through Page 2, Line 28:

“23        WHEREAS, without significant changes to the system, costs will exceed revenues

24        starting in 2018 and the system    {~~will~~}        may    not be able to pay any benefits by 2042;

25        WHEREAS, anyone born after the year 1970 will not receive {~~any~~}        full    Social Security

26        benefits if changes are not made to the system;

27        WHEREAS, not reforming the system will require a {~~50%~~}    tax increase on every working

28        American or a    {~~30%~~}    benefit cut; and”; and

The Government Operations Committee reports a favorable recommendation on **H.R. 4**, RESOLUTION URGING UNITED STATES SENATE SUPPORT OF PRESIDENT’S SUPREME COURT NOMINEES, by Representative M. Morley; and

The Government Operations Committee reports a favorable recommendation on **S.B. 20**, OFFICE OF LEGISLATIVE AUDITOR – ACCESS TO INFORMATION, by Senator M. Waddoups; and

Mr. Speaker:

January 26, 2005

The Government Operations Committee reports a favorable recommendation on **H.B. 199**, SPECIAL ELECTION DATES, by Representative D. Hogue; and

The Government Operations Committee reports a favorable recommendation on **S.B. 11**, INITIATIVE PETITIONS AMENDMENTS, by Senator B. Evans; and

The Government Operations Committee reports a favorable recommendation on **S.B. 76**, AMENDMENTS TO NAVAJO TRUST FUND, by Senator B. Evans; and

Mr. Speaker: January 25, 2005

The Government Operations Committee reports a favorable recommendation on **S.B. 101**, UTAH ADMINISTRATIVE RULEMAKING ACT REVISION, by Senator H. Stephenson, and recommends it be placed on the Consent Calendar.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Government Operations committee were adopted.

**H.B. 75**, as amended, **H.R. 3**, as amended, **H.R. 4**, **S.B. 20**, **H.B. 199**, **S.B. 11**, and **S.B. 76**, read the second time by short title and placed on the calendar for third reading.

**S.B. 101**, read the second time by short title and placed on the Consent Calendar.

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Mr. Speaker: January 25, 2005

The Public Utilities and Technology Committee recommends **H.B. 174**, CHILD PROTECTION REGISTRY AMENDMENTS, by Representative J. Dougall, be replaced and favorably recommends **1st Sub. H.B. 174**, CHILD PROTECTION REGISTRY AMENDMENTS.

Sheryl L. Allen, Chair

Report filed. On motion of Representative Holdaway, the report of the Public Utilities and Technology committee was adopted.

**Sub. H.B. 174**, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker: January 25, 2005

The Transportation Committee reports a favorable recommendation on **H.C.R. 2**, COWBOY HALL OF FAME RESOLUTION, by Representative L. Shurtliff; and

The Transportation Committee reports a favorable recommendation on **S.C.R. 1, RESOLUTION ENCOURAGING MANAGED LANES STUDY**, by Senator C. Walker.

Joseph G. Murray, Chair

Reports filed. On motion of Representative Murray, the reports of the Transportation committee were adopted.

**H.C.R. 2** and **S.C.R. 1**, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker:

January 25, 2005

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 49, BICYCLE SAFETY PROVISIONS**, by Representative R. McGee, with the following amendments:

1. Page 1, Line 16:

- 16       •       maintain the clearance until safely past the bicycle;  
           {~~and~~}  
           ▶       provides that the three foot passing distance requirement  
           does not apply if the road is too narrow to safely pass the bicycle;  
           ▶       provides that an operator of a vehicle may not be cited  
           for a violation if:  
                   the operator and of the vehicle is involved in an accident  
                   with the bicyclist; and  
                   the bicyclist was operating the bicycle in a negligent  
                   manner; and

2. Page 2, Lines 35 through 39:

- 35       (3) (a) An operator of a vehicle proceeding in the opposite  
           direction shall when passing a bicycle :  
 36       {~~(a) pass a bicycle~~ }       (i) travel at a safe distance of no  
           less than three feet between any part of the  
 37       passing vehicle and the bicycle; and  
 38       {~~(b)~~ }       (ii) maintain the clearance required under  
           Subsection (3)(a) until safely past the  
 39       bicycle.  
           (b) The provisions of Subsection (3)(a) do not apply if a lane is

too narrow for an operator of a vehicle to safely pass the bicycle at the distance required under Subsection (3)(a)(i).

(4) An operator of a vehicle may not be issued a citation for a violation of Subsection (3) if:

(a) the operator of the vehicle is involved in an accident with a bicyclist; and

(b) the bicyclist was operating the bicycle in a negligent manner.

3. Page 2, Line 53 through Page 3, Line 58:

53 (c) the operator of a vehicle overtaking a bicycle proceeding in the same direction

54 shall:

55 (i) leave a safe distance of no less than three feet between any part of the overtaking

56 vehicle and the bicycle; and

57 (ii) maintain the clearance required under Subsection (1)(c)(i) until safely past the

58 overtaken bicycle.

(2) The provisions of Subsection (1)(c) do not apply if a lane is too narrow for an operator of a vehicle to safely pass the bicycle at the distance required under Subsection (1)(c)(i).

4. Page 3, Line 59:

59 ~~{-(2)-}~~ (3) On a highway having more than one lane in the same direction, the operator of a

5. Page 3, Line 71:

71 (v) when following direction signs that direct use of a designated lane.

(4) An operator of a vehicle may not be issued a citation for a violation of Subsection (1)(c) if:

(a) the operator of the vehicle is involved in an accident with a bicyclist; and

(b) the bicyclist was operating the bicycle in a negligent manner. ;  
and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 67**, ABANDONED VEHICLES AMENDMENTS, by Representative J. Gowans; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **S.B. 22**, DRUG OFFENDER REFORM ACT, by Senator D. C. Buttars.

DeMar “Bud” Bowman, Chair

Reports filed. On motion of Representative Bowman, the reports of the Law Enforcement and Criminal Justice committee were adopted.

**H.B. 49**, as amended, and **H.B. 67**, read the second time by short title and placed on the calendar for third reading.

**S.B. 22**, read the second time by short title and referred to the Rules Committee due to fiscal impact

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Mr. Speaker:

January 25, 2005

The Judiciary Committee reports a favorable recommendation on **H.B. 59**, DOMESTIC VIOLENCE ENHANCEMENT, by Representative C. Moss.

James A. Ferrin, Chair

Reports filed. On motion of Representative Ferry, the reports of the Judiciary committee were adopted.

**H.B. 59**, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker:

January 25, 2005

The Health and Human Services Committee reports a favorable recommendation on **H.B. 33**, ASSISTANCE FOR PEOPLE WITH BLEEDING DISORDERS, by Representative D. Litvack, with the following amendments:

1. Page 5, Line 131:

131 program      ~~{-in the same manner as an in-network~~  
provider }      subject to all applicable plan benefits and limitations :  
and; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 64**, CRIMINAL BACKGROUND CHECKS FOR PERSONAL CARE ATTENDANTS, by Representative F. Hunsaker; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 17**, FOSTER CARE CITIZEN REVIEW BOARD, by Senator D. Eastman.

Bradley G. Last, Chair

Reports filed. On motion of Representative Last, the reports of the Health and Human committee were adopted.

**H.B. 33**, as amended, **H.B. 64**, and **S.B. 17**, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker:

January 25, 2005

The Business and Labor Committee reports a favorable recommendation on **H.B. 66**, NATUROPATHIC PHYSICIAN AMENDMENTS, by Representative J. Ferrin; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 47**, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS, by Representative S. Urquhart, with the following amendments:

1. Page 1, Lines 11 through 23:

11 This bill:

12 ► defines terms;

13 ► ~~{ expands the prohibition on a franchisor that~~  
~~requires a franchisee to release the~~

14 ~~franchisor from liability; }~~

15 ► ~~{ prohibits a franchisor from controlling of a~~  
~~franchisee's funds without a description~~

16 ~~of the franchisor's claim to the funds and written approval from the~~  
~~franchisee;~~

17 ► prohibits a franchisor from requiring written approval  
for the franchisor to control a

18 ~~franchisee's funds as a condition of a franchise agreement or~~  
~~delivery of products~~

19 ~~and services; }~~

addresses requirements for a franchisor's taking or controlling of



a franchisee's funds:

- 20       ▶ prohibits a franchisor from conditioning preferential  
status on the sale of    ~~{a product~~  
21   ~~originating from a third-party supplier}~~   certain products   if  
the franchisor receives a financial benefit  
22   from the franchisee's sale of that product; and  
23       ▶ makes technical changes.

2. Page 5, Lines 126 through 131:

- 126       (d) require a franchisee to refrain from participating in the  
management of, investment  
127   in, or acquisition of any other line of new motor vehicles or related  
products, if   the franchisee   :  
128       (i)   ~~{the franchisee}~~   maintains a reasonable line of credit  
for each make or line of  
129   vehicles; and  
130       (ii)   ~~{the franchisee}~~   complies with reasonable capital  
and facilities requirements of the  
131   franchisor;

3. Page 5, Lines 134 through 135:

- 134       (i) relieve a franchisor from any liability   ~~{duty, or~~  
responsibility }   imposed   ~~{on the~~  
135   franchisor }   by this chapter; or

4. Page 9, Line 274 through Page 10, Line 289:

- 274       ~~{(gg) take or assert control over funds belonging to a~~  
franchisee without:  
275       ~~(i) fully identifying in writing the basis for the franchisor's~~  
claim; and  
276       ~~(ii) obtaining the franchisee's written approval for the~~  
franchisor taking or asserting  
277   control over the funds;  
278       ~~(hh) require execution of the written approval required by~~  
Subsection (1)(gg) by a

279 franchisee or prospective franchisee as a condition precedent to:

280 (i) a franchise agreement; or

281 (ii) delivery of a product or service by the franchisor under a franchise agreement;

282 (ii) condition a franchisor's preferential status for the acquisition of a new motor

283 vehicle, product, or service upon the franchisee's sale of an aftermarket product if:

284 (i) the aftermarket product is:

285 (A) manufactured by the franchisor; or

286 (B) obtained by the franchisor for resale from a third-party supplier; and

287 (ii) the franchisor or its affiliate derives a financial benefit from the franchisee's sale of

288 the aftermarket product; or }

(gg) (i) take control over funds owned or under the control of a franchisee based on the findings of a warranty audit or sales incentive audit unless the following conditions are satisfied:

(A) the franchisor fully identifies in writing the basis for the franchisor's claim or charge back arising from the audit, including notifying the franchisee that the franchisee has 20 days from the day on which the franchisee receives the franchisor's claim or charge back to assert a protest in writing to the franchisor identifying the basis for the protest;

(B) the franchisee's protest shall inform the franchisor that the protest shall be submitted to a mediator in the state who is identified by name and address in the franchisee's notice to the franchisor;

(C) if mediation is requested under Subsection (gg)(i)(B), mediation shall occur no later than 30 days after the day on which the franchisor receives the franchisee's protest of a claim or charge back;

(D) if mediation does not lead to a resolution of the protest, the protest shall be set for binding arbitration in the same venue in which the mediation occurred;

(E) binding arbitration under Subsection (gg)(i)(D) shall be conducted;

(I) by an arbitrator mutually agreed upon by the franchisor and the franchisee; and

(II) on a date mutually agreed upon by the franchisor and the franchisee, but shall be held no later than 90 days after the franchisor's receipt of the franchisee's notice of protest;

(F) this Subsection (1)(gg)(i) applies exclusively to warranty audits and sales incentive audits;

(G) Subsections (1)(gg)(i)(A) through (E) do not apply if the franchisor reasonably believes that the amount of the claim or charge back is related to a fraudulent act by the franchisee; and

(H) The costs of the mediator or arbitrator instituted under this Subsection (1)(gg) shall be shared equally by the franchisor and the franchisee.

(ii) A franchisor may not require a franchisee to execute a written waiver of the requirements of Subsection (gg)(i);

(hh) coerce, or attempt to coerce a franchisee to purchase or sell an aftermarket product manufactured by the franchisor, or obtained by the franchisor for resale from a third-party supplier and the franchisor or its affiliate derives a financial benefit from the franchisee's sale or purchase of the aftermarket product as a condition to obtaining preferential status from the franchisor; or

289            { ~~(ii)~~ }        (ii) through an affiliate, take any action that would otherwise be prohibited under this; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 71, LICENSING OF ESTHETICIANS AND NAIL TECHNICIANS**, by Representative J. Fisher, with the following amendments:

1. Page 2, Line 31:

31    AMENDS:

58-11a-102, as last amended by Chapter 204, Laws of Utah 2001

2. Page 2, Line 37:

37    Be it enacted by the Legislature of the state of Utah:

Section 1. Section 58-11A-102 is amended to read:

58-11a-102. Definitions.

(1) "Approved cosmetologist/barber apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(1) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(2) "Approved esthetician apprenticeship" means an

apprenticeship that meets the requirements of Subsection 58-11a-306(2) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(3) "Approved master esthetician apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(3) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(4) "Approved nail technician apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(4) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(5) "Board" means the Cosmetology/Barbering, Esthetics, Electrology, and Nail Technology Licensing Board created in Section 58-11a-201.

(6) "Cosmetologist/barber" means a person who is licensed under this chapter to engage in the practice of cosmetology/barbering.

(7) "Cosmetologist/barber instructor" means a cosmetologist/barber who is licensed under this chapter to teach cosmetology/barbering at a licensed cosmetology/barber school.

(8) "Direct supervision" means that the supervisor of an apprentice or the instructor of a student is immediately available for consultation, advice, instruction, and evaluation.

(9) "Electrologist" means a person who is licensed under this chapter to engage in the practice of electrology.

(10) "Electrologist instructor" means an electrologist who is licensed under this chapter to teach electrology at a licensed electrology school.

(11) "Esthetician" means a person who is licensed under this chapter to engage in the practice of esthetics.

(12) "Esthetician instructor" means a master esthetician who is licensed under this chapter to teach the practice of esthetics and the practice of master-level esthetics at a licensed esthetics school.

(13) "Fund" means the Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Education and Enforcement Fund created in Section 58-11a-103.

(14) "Licensed cosmetology/barber school" means a cosmetology/barber school licensed under this chapter.

(15) “Licensed electrology school” means an electrology school licensed under this chapter.

(16) “Licensed esthetics school” means an esthetics school licensed under this chapter.

(17) “Licensed nail technology school” means a nail technology school licensed under this chapter.

(18) “Master esthetician” means an individual who is licensed under this chapter to engage in the practice of master-level esthetics.

(19) “Nail technician” means an individual who is licensed under this chapter to engage in the practice of nail technology.

(20) “Nail technician instructor” means a nail technician licensed under this chapter to teach the practice of nail technology in a licensed nail technology school.

(21) (a) “Practice of cosmetology/barbering” means:

(i) styling, arranging, dressing, curling, waving, permanent waving, cleansing, singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a person;

(ii) cutting, clipping, or trimming the hair by the use of scissors, shears, clippers, or other appliances;

(iii) arching eyebrows, or tinting eyebrows or eyelashes, or both;

(iv) removing hair from the face, neck, shoulders, arms, back, bikini line, or legs of a person by the use of depilatories, waxing, or shaving equipment;

(v) cutting, curling, styling, fitting, measuring, or forming caps for wigs or hairpieces or both on the human head; or

(vi) practicing hair weaving or hair fusing or servicing previously medically implanted hair.

(b) The term “practice of cosmetology/barbering” includes:

(i) the practice of esthetics; and

(ii) the practice of nail technology.

(22) “Practice of cosmetology/barbering instruction” means instructing cosmetology/barbering in a licensed cosmetology/barber school.

(23) “Practice of electrology” means the removal of superfluous hair from the body of a person by the use of electricity.

(24) “Practice of electrology instruction” means instructing electrology in a licensed electrology school.

(25) “Practice of esthetics” means any one of the following skin care procedures done on the head, face, neck, torso, abdomen, back,

arms, hands, legs, feet, eyebrows, or eyelashes for cosmetic purposes and not for the treatment of medical, physical, or mental ailments:

(a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or masks, extraction, depilatories, waxes, tweezing, natural nail manicures or pedicures, or callous removal by buffing or filing;

(b) manual lymphatic massage of the face and neck;

(c) limited chemical exfoliation as defined by rule;

(d) removing superfluous hair by means other than electrolysis or laser procedures; or

(e) other esthetic preparations or procedures with the use of the hands, a high-frequency or galvanic electrical apparatus, or a heat lamp for beautifying or similar work performed on the body for cosmetic purposes and not for the treatment of medical, physical, or mental ailments.

(26) “Practice of esthetics instruction” means instructing esthetics or master-level esthetics in a licensed esthetics school.

(27) (a) “Practice of master-level esthetics” means:

(i) any of the following when done for cosmetic purposes and not for the treatment of medical, physical, or mental ailments:

(A) body wraps as defined by rule;

(B) hydrotherapy as defined by rule;

(C) chemical exfoliation as defined by rule;

(D) advanced pedicures as defined by rule;

(E) sanding, including microdermabrasion; or

(F) other esthetic preparations or procedures with the use of:

(I) the hands; or

(II) a mechanical or electrical apparatus which is approved for use by division rule for beautifying or similar work performed on the body for cosmetic purposes and not for the treatment of a medical, physical, or mental ailment; and

(ii) lymphatic massage by manual or other means.

(b) Notwithstanding the provisions of Subsection (27)(a), a master-level esthetician may perform procedures listed in Subsection (27)(a)(i) for noncosmetic purposes if done under the supervision of a licensed health care practitioner acting within the scope of his or her license.

(c) The term “practice of master-level esthetics” includes the practice of esthetics.

(28) “Practice of nail technology” means to trim cut,

clean, manicure, shape, massage, or enhance the appearance of the {–nails of the–} hands {–or–} feet and nails of an individual by the use of hands, mechanical, or electrical preparation, antiseptic, lotions, or creams, including the application and removal of sculptured or artificial nails.

(29) “Practice of nail technology instruction” means instructing nail technology in a licensed nail technician school.

(30) “Recognized cosmetology/barber school” means a cosmetology/barber school located in another state, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.

(31) “Recognized electrology school” means an electrology school located in another state, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.

(32) “Recognized esthetics school” means an esthetics school located in another state, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.

(33) “Recognized nail technology school” means a nail technology school in another state, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.

(34) “Salon” means a place, shop, or establishment in which cosmetology/barbering, esthetics, electrology, or nail technology is practiced.

(35) “Unlawful conduct” is as defined in Sections 58–1–501 and 58–11a–502.

(36) “Unprofessional conduct” is as defined in Sections 58–1–501 and 58–11a–501 and as may be further defined by rule by the division in collaboration with the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

Renumber remaining sections accordingly.

3. Page 8, Lines 227 through 230:

227 (b) be conducted by a supervisor who:

228 (i) is licensed under this chapter as a nail technician instructor;  
and

229 (ii) provides direct ~~one-on-~~ {~~one~~} two supervision  
of the nail technician apprentice during the  
230 apprenticeship program.

Stephen D. Clark, Chair

Reports filed. On motion of Representative S. Clark, the reports of the Business and Labor committee were adopted.

**H.B. 66, H.B. 47**, as amended, and **H.B. 71**, as amended, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker:

January 26, 2005

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 95**, OFFICE OF MUSEUM SERVICES AMENDMENTS, by Senator R. Allen; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 16**, DEPARTMENT OF WORKFORCE SERVICES – ACCESS TO FINANCIAL RECORDS, by Senator S. Jenkins, et al; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 12**, DEPARTMENT OF WORKFORCE SERVICES AMENDMENTS, by Senator S. Jenkins, et al; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 11**, ECONOMIC DEVELOPMENT INCENTIVES, by Representative B. Dee, et al.

David N. Cox, Chair

Reports filed. On motion of Representative Mascaro, the reports of the Workforce Services and Community and Economic Development committee were adopted.

**S.B. 95, S.B. 16, S.B. 12**, and **H.B. 11**, read the second time by short title and placed on the calendar for third reading.

## INTRODUCTION OF BILLS

**H.B. 96, Amendments Relating to Clean Fuels and Vehicles Using Clean Fuels** (F. Hunsaker), read the first time by short title and referred to the Rules Committee.



**H.B. 97, State Budget Provisions** (G. Curtis), read the first time by short title and referred to the Rules Committee.

**H.B. 98, Offenses Committed Against Correctional and Peace Officers** (C. Oda), read the first time by short title and referred to the Rules Committee.

**H.B. 99, State Fleet Vehicle Classification** (E. Hutchings), read the first time by short title and referred to the Rules Committee.

**H.B. 150, Water Rights Fees** (J. Gowans), read the first time by short title and referred to the Rules Committee.

**H.B. 151, School Community Councils** (J. Dougall), read the first time by short title and referred to the Rules Committee.

**H.B. 237, State Benefit Provider Revisions** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.C.R. 10, Concurrent Resolution Honoring Waldo Wilcox for Preservation of Range Creek Area** (B. King), read the first time by short title and referred to the Rules Committee.

### **THIRD READING CALENDAR**

**S.J.R. 4, JOINT RULES RESOLUTION – INTERIM RULES RECODIFICATION**, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **S.J.R. 4**.

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**S.B. 18, REGULATING PROPRIETARY POSTSECONDARY SCHOOLS**, read the third time by short title and placed on its final passage.

**S.B. 18** then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove

D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hardy	Harper	Hendrickson	Hogue
Hughes	Hunsaker	B. Johnson	King
Kiser	Last	Lawrence	Litvack
Mascaro	Mathis	McCartney	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Urquhart	Walker
Wallace	Wheatley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Hansen	Holdaway	E. Hutchings	Jones
Lockhart	Ure	Wheeler	

**S.B. 18** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### MISCELLANEOUS BUSINESS

On motion of Representative Ferry, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

### THIRD READING CALENDAR

**H.B. 170**, EXTENSION OF UTAH LOW-INCOME HOUSING TAX CREDITS, read the third time by short title and placed on its final passage.

**H.B. 170** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke

Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheatley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

B. Johnson	Jones	Lockhart	McCartney
Ure	Wheeler		

**H.B. 170** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 14**, BOND ELECTION PROCESS AMENDMENTS, read the third time by short title and placed on its final passage.

Representative Tilton proposed the following amendment:

1. Pages 21–22, Lines 647–656:

Reinstate the bracketed language on lines 647–656

2. Page 22, Line 657:

After “Subsection” reinstate “(3)” and delete “(2)”

Renumber remaining subsections accordingly

Representative Tilton’s motion to amend passed on a voice vote.

**H.B. 14**, as amended, then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove

D. Cox	Daw	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McCartney	McGee
Menlove	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Dayton	Morgan	Wheeler
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**H.B. 14**, as amended, held for possible reconsideration.

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**H.B. 179**, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 179** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee

Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

McCartney              Wheeler

**H.B. 179** transmitted to the Senate for its consideration.

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**H.B. 177**, WILDLIFE LICENSE REFUND AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 177** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Lockhart              McCartney              Morley              Wheeler

**H.B. 177** transmitted to the Senate for its consideration.

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**H.B. 181**, DUPLICATE WILDLIFE LICENSING AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 181** then passed on the following roll call:

**Yeas, 66; Nays, 0; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Becker	Bigelow	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wyatt		

**Absent or not voting were:** Representatives

Barrus	Biskupski	Goodfellow	Gowans
McCartney	Morley	Shurtliff	Wheeler
Curtis			

**H.B. 181** transmitted to the Senate for its consideration.

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**H.C.R. 7**, CONCURRENT RESOLUTION OPPOSING NUCLEAR TESTING, read the third time by short title and placed on its final passage.

**H.C.R. 7** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Biskupski	Bourdeaux
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hunsaker	E. Hutchings	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Becker	Bowman	Hughes	B. Johnson
McCartney	McGee	Shurtliff	Wheeler

**H.C.R. 7** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 164**, REPEAL OF UTAH PERSONAL INTRODUCTION SERVICES PROTECTION ACT, read the third time by short title and placed on its final passage.

**H.B. 164** then passed on the following roll call:

**Yeas, 56; Nays, 0; Absent or not voting, 19.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Bigelow	Bourdeaux	Bowman	Buxton
Christensen	D. Clark	Cosgrove	D. Cox
Daw	Dee	Donnelson	Duckworth
Ferrin	Ferry	Fisher	Fowlke

Frank	Gibson	Goodfellow	Gowans
Hansen	Harper	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	Jones
King	Last	Lawrence	Mascaro
Mathis	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
G. Snow	Tilton	Urquhart	Walker
Wallace	Wheatley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Adams	Becker	Biskupski	Buttars
S. Clark	Dayton	Dougall	Dunnigan
Hardy	Hendrickson	B. Johnson	Kiser
Litvack	Lockhart	McCartney	McGee
Shurtliff	Ure	Wheeler	

**H.B. 164** transmitted to the Senate for its consideration.

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**H.B. 54, CRIMINAL APPEAL AMENDMENTS**, read the third time by short title and placed on its final passage.

**H.B. 54** then passed on the following roll call:

**Yeas, 58; Nays, 0; Absent or not voting, 17.**

**Voting in the affirmative were:** Representatives

Agard	Alexander	S. Allen	Barrus
Becker	Bigelow	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Duckworth	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hogue	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Last	Lawrence	Mascaro	Mathis
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	G. Snow	Tilton
Urquhart	Walker	Wallace	Wheatley
Wyatt	Curtis		



**Absent or not voting were:** Representatives

Adams	Biskupski	S. Clark	Dougall
Dunnigan	Hardy	Hendrickson	Hughes
Kiser	Litvack	Lockhart	McCartney
McGee	Romero	Shurtliff	Ure
Wheeler			

**H.B. 54** transmitted to the Senate for its consideration.

**RULES COMMITTEE REPORT**

Mr. Speaker:

January 26, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

**BUSINESS AND LABOR**

**H.B. 70** Health Discount Program Consumer Protection Act  
(Rep. J. Dunnigan)

**EDUCATION**

**H.B. 74** Tuition Reimbursement Program for Students Seeking  
Teacher Licensure in Disability or Special Education  
(Rep. R. Menlove)

**H.B. 88** Air Conditioned Buses for Students with Disabilities  
(Rep. D. Hogue)

**H.B. 196** Legislators Involvement in Public Schools  
(Rep. D. Bourdeaux)

**GOVERNMENT OPERATIONS**

**H.B. 90** Search and Rescue Advisory Board – Amendments  
(Rep. J. S. Adams)

**H.B. 211** Integrity of Election Results Amendments  
(Rep. J. Dougall)

**HEALTH AND HUMAN SERVICES**

**H.B. 80** Services for People with Disabilities (Rep. R. Lockhart)

**JUDICIARY**

**S.B. 21** Limitation on Liability Regarding Liquefied Petroleum  
Gas (Sen. D. Eastman)

**S.B. 32** Limitation of Landowner Liability for Public Recreation  
(Sen. G. Bell)

**S.B. 103** Liens on Aircraft (Sen. T. Hatch)

**LAW ENFORCEMENT AND CRIMINAL JUSTICE**

**H.B. 184** Domestic Violence – Change of Locks on Rental Property  
(Rep. L. Shurtliff)

**H.B. 212** Traffic Violations by Diplomats (Rep. D. Hogue)

**NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT**

**H.B. 156** Dairy Promotion Act Amendments (Rep. D. Ure)

**H.B. 203** Agricultural Advisory Board (Rep. M. Noel)

**H.B. 226** Government Records Access and Management Act  
Requirements Regarding Animal Identification Program  
(Rep. C. Buttars)

**POLITICAL SUBDIVISIONS**

**H.J.R. 7** Resolution Amending State Auditor Qualifications  
(Rep. R. Romero)

**S.B. 78** Optional Forms of County Government Amendment  
(Sen. D. Thomas)

**S.B. 27** Sunset Reauthorizations (Sen. L. A. Mansell)

**REVENUE AND TAXATION**

**H.B. 225** Boat Registration Fee (Rep. B. Goodfellow)

**H.J.R. 12** Resolution Eliminating Property Tax on Personal Property  
(Rep. J. Dougall)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until January 27, 2005, at 10:00 a.m.

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Read the first time by short title and referred to the Rules Committee.	18
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